

# SELECTION PROCEDURES FOR GENERAL CONTRACTORS

## *Recommended Guidelines*

DESIGN/BID/BUILD DELIVERY METHOD



Georgia State Financing and Investment Commission

April 2003

## **Preface:**

This edition of the General Contractor Selection Guidelines is intended to assist the Client Agency to select a Contractor when using the Design/Bid/Build Delivery method. This document is the product of several months of discussion and consideration by the parties listed below, but it is not intended to be the final edition. It is anticipated that, once the principles stated herein have been tested, changes to the Guidelines will be necessary. Any comments or suggestions on how to improve this document to make it easier to understand and use would be greatly appreciated.

## **Acknowledgements:**

The Georgia State Financing and Investment Commission, and, particularly, the editors, wish to take this opportunity to express our sincere appreciation to our industry partners and those state employees who donated their time and effort to the development and production of this document. Without their assistance, not only would the quality of the document have suffered, it would not have existed at all.

Tony Aeck, **Lord Aeck & Sargent**  
Mike Kenig, **Holder Construction Company**  
Richard Kramer, **Stevens & Wilkinson of Georgia, Inc**  
Tom Leslie, **American Consulting Engineers Council of Georgia**  
Kevin McDowell, **The Staubach Company**  
Charlie Pennington, **Nottingham Brook & Pennington**  
George Sewell, **The Facility Group**  
David Schonk, **The Staubach Company**  
Ed Siqueira, **The Winter Construction Company**  
Lou Strickland, **LLT Building Corporation**  
Rich Thomas, **Gilbane**  
Doug Stelljes, **Barton Malow Company**  
Mark Woodall, **Georgia Branch of Associated General Contractors of America**

Gary Blount, **Department of Administrative Services, State Purchasing**  
Virgil Hooper, **Georgia Department of Labor**  
Dave Mathieson, **Georgia State Financing and Investment Commission**  
Clifton (Kip) Marshall, **Department of Administrative Services, State Purchasing**  
Ron Nawrocki, **Governor's Office of Planning & Budget**  
Kimball Peed, **Georgia State Financing and Investment Commission**  
Paul Tuggle, **Department of Human Resources**  
Janet Vandevender, **Georgia State Financing and Investment Commission**  
George Zier, **State Law Department**

Tom Perdue, **City of Savannah**

## **Editors:**

Lamar Holland, **Georgia State Financing and Investment Commission**  
Beth Lowry, **Holder Construction**

**STATE OF GEORGIA  
PROCEDURES FOR DESIGN AND CONSTRUCTION**

**III. Project Implementation Phase**

**B. Design/Bid/Build Delivery Method**

**2. Bid Phase**

**a. Selection Procedures for General Contractors**

**1. Introduction and General Information Concerning Construction Bidding**

**2. Steps of the Bid Process**

Step 1- Information Required Prior to Advertisement

Step 2- Advertisement of Project / Instructions to Bidders

Step 3- Bid Process / Bid Opening

Step 4- Contract Award / Notification of Award

**3. Appendix**

1. Typical Timeline for Design/Bid/Build Contractor Selection

2. Using the Georgia Procurement Registry

3. Sample Bid Form

4. Sample Bid Tabulation Form

## 1. INTRODUCTION AND GENERAL INFORMATION CONCERNING CONSTRUCTION BIDDING

### Construction Bidding

The “standard” process most familiar to the public sector is the “low bid” procedure (Design/Bid/Build Delivery) that is covered in this chapter. All of the other construction procurement processes deal with the procurement of construction and construction related services using a selection process where cost and other factors are used as the criteria for selection. The qualifications based selection processes, which generates proposals, are significantly different from the standard “low bid” procurement process used by most public entities for obtaining contracts for construction and as discussed in this section. See Appendixes 1 for typical timelines of this process.

**Activities - Prior to Advertising the Bid** (typical duration 2-3 months from completion of contract documents)

<u>Activity</u>	<u>Comments</u>
Architect submits 100% construction documents to GSFIC for review/approval	
GSFIC reviews documents	4-6 weeks typical duration
Architect incorporates GSFIC's comments and advertises complete contract document package for bids	

**Activities- Advertising to Executed Contract** (typical duration 4-6 weeks from advertisement)

<u>Activity</u>	<u>Comments</u>
Agency advertises the project	Statutory law requires bid advertise for a minimum of 30 days prior to bid opening
General Contractors obtain / review bid documents	
Agency and Architect conduct a mandatory Pre-bid Conference for General Contractors	Typically 2 weeks after advertisement date
General Contractors submit qualifications to Architect if pre-qualifying	Typically 2 days after the Pre-Bid Conference
Architect evaluates qualifications and issues an addendum with qualified bidders list	No later than one week after receipt of qualifications
Architect issues addenda to clarify General Contractor questions, as needed during the bid period	No addenda shall be issued during the 5 days prior to the Bid Opening except for an addendum to postpone the bid date
Architect and Agency conduct formal Bid Opening	Minimum of 30 days from the advertisement, allow more than 30 days if pre-qualifying
Agency validates lowest, responsive and responsible bid	Typical duration 1-3 days after bid opening, may not exceed 35 days
After the bid is validated, Agency issues a formal Notice of Award and issues the Contract Agreement	The Contractor typically has 21 days to execute the agreement and provided the required bonds and insurance
Governor signs and executes contract	No work can begin until the Contractor receives a Notice to Proceed

Required steps only if pre-qualifying bidders

# STEPS OF THE BID PROCESS

## Step 1 – Information Required Prior to Advertisement

Prior to selecting any services, Agencies should confirm the following major activities:

- The overall schedule has been updated or, if not, necessary adjustments have been made.
- Funding has been released for construction.
- The contract documents are complete and properly approved.

### *Definition of the Bid*

A bid is defined as an offer to provide labor, materials, equipment and services for the construction of a specific project for a specified price. The premise of competitive bidding in the public sector is that it will allow for bidders to compete, consistent with the standard of quality and the terms and conditions provided for the project by the documents. The assumption is that the design documents are complete, and that complete and coordinated documents combined with efficient management and administration will contribute to responsive and responsible bids. The lowest responsive bid provides a single objective criterion for selection that is difficult to question.

### *Responsibility of the Owner and Architect*

The Owner and the Design Professional generally called the Architect, work together to develop a package of information (Drawings and the Project Manual). The Project Manual (which consists of the Instructions to the Bidders, the Bid Form, the General Conditions of the Contract, Supplementary Conditions and the technical specifications) and the Drawings complement one another and describe the project and the terms and conditions under which the Project is to be constructed. The process assumes that the various General and Trade Contractors can, by a reasonable review of the documents, gather sufficient information for all bidders to make a knowledgeable, accurate bid.

The Architect and Owner may elect to prequalify the General Contractors or Trade Contractors. This may be done in one of two ways: (1) Prior to the advertisement using the DOAS Request for Qualified Contractors (RFQC) process (see Appendix 1a), or (2) Include the prequalification as part of the bid process (see Appendix 1b).

Generally, the documents contain not only technical information, but also legal and procedural requirements. Although there are conventional ways of presenting the material, the content or format of the Drawings and Project Manual should clearly state what is required for the specific project. The Project Manual covers all of the bidding documents and all of the contract documents, either by physically including them or by reference. GSFIC requires its design professionals to prepare its plans and specifications generally in accordance with the guidelines provided by the Construction Specification Institute (CSI). The design professional, in consultation with the Client Agency, should set the number of calendar days allowed to complete the project and include this requirement in the documents.

### *Expectations of General Contractors*

The various General Contractors who consider bidding on a public project have to make a number of determinations. First, they must assess whether they can prepare a bid per the requirements and in the time requested. Then, they must decide whether they can meet the technical requirements, whether they meet the financial responsibility requirements, and whether they have sufficient staff and supervisory personnel to properly perform and coordinate all phases of the work. They must also ascertain if there is sufficient interest in the project among the various Trade Contractors and suppliers to furnish the labor, equipment, services and material necessary to construct the Project.

General Contractors should reasonably expect several things from the Public Owner and the Design Professional. General Contractors typically expect:

- Funds are available for the project, and that the Public Owner will pay promptly upon the receipt and approval of proper pay requests.
- The technical information in the drawings and the Project Manual is consistent with local laws and ordinances pertaining to the design and construction of buildings. If there are any unusual conditions known to the Owner and the Architect that could affect cost, the Contractors should expect that they have been reasonably alerted to such conditions.
- They will not be penalized for unreasonable deficiencies in the various documents.

Based on these expectations, General Contractors should prepare and submit a bid with confidence in their ability to fulfill their obligations.

### *The Project Manual*

#### **The Agreement and Conditions**

The General Contractor assumes full responsibility for the supervision of work and completion of the project at bid cost and within the time frame specified in the Contract Documents. The General Contractor retains responsibility for the selection of Trade Contractors, the proper execution of all subcontracts, and the purchase of services, labor, equipment, supplies and materials required to construct the Project. The General Conditions should contain "pass-thru" provisions that the General Contractor must include in all agreements with subcontractors. In some circumstances, the Owner and the Architect may retain the right to object to a subcontractor for just cause.

Most contracts for construction are usually divided into three parts and the contract used by GSFIC follows these standard conventions. These parts consist of: the agreement form, which deals with specific project items such as price, time allowed for project completion, and payment provisions; the general and supplementary conditions of the contract for construction; and the technical specifications and drawings, including all addenda and change orders.

***The Public Owner should also pay particular attention to Section 01, General Requirements, which is generally considered part of the technical specifications, but contains many administrative requirements that can be of particular interest to the Owner. The following issues may affect the procurement process:***

#### General Conditions

The General Conditions are applicable to many projects, while supplementary or other conditions are often required to deal with the circumstances particular to a specific project. The agreement and the General Conditions define the rights and responsibilities of both the Owner and the General Contractor and outline the duties and functions of the Architect with respect to the General Contractor. No changes to the General Conditions should be made without the specific approval of the Owner. GSFIC recommends that no changes be made to their General Conditions before discussing the changes and their impacts with a representative of the Construction Division. No changes to the General Conditions are permitted on projects administered by the Construction Division of GSFIC.

#### Supplementary Conditions

Supplementary conditions modify the standard provisions to account for local legal, physical, climatic and other conditions. The added or modified articles should be listed in numbered sequence so that General Contractors can quickly recognize particular requirements of the project without rechecking the basic provisions of the General Conditions for changes or alterations. Further special or other conditions are occasionally necessary to describe situations not covered elsewhere. Supplementary conditions should be carefully reviewed by the Owner to ascertain that the added or modified articles are appropriate.

#### Prequalification of Bidders

The GSFIC sample supplementary Conditions contain specimen language for the development of prequalification criteria, but the needs and requirements for each project

must be considered separately. The criteria developed must be directly related to the successful completion of the project. Generally speaking, the Architect will be charged with the initial responsibility of determining if prospective bidders qualify for bidding on the Project. Any disapproved prospective bidder should have the right to appeal to the Owner for a final decision.

#### Construction Time Period

One of the more critical provisions of the contract deals with the timing and length of the construction period. The Owner, and particularly the Client Agency, which will actually occupy the completed facility, should be advised that strikes, "acts of God" and other situations are beyond the control of the General Contractor or the Architect. These conditions might extend the time of completion. It is important to understand that neither the General Contractor nor the Architect can be held responsible for such delays. The GSFIC contract documents, as do most standard construction contract forms, state that time is of the essence of the contract. This means that, if the time limit is exceeded and the project is not complete, the General Contractor may be liable for damages resulting from that delay.

Because time is so important, a completion date or length of the construction period should be determined prior to requesting bids. The construction period or completion date must be clearly stated in the bidding documents and should be discussed and confirmed with potential bidders during a prebid conference, preferably at the construction site.

#### Consequential and Liquidated Damages

Until recently, the GSFIC General Conditions called for consequential damages resulting from the General Contractor failing to complete the Project within the specified contract time. Generally speaking, however, what those damages might be in monetary terms is often very hard to assess, even when the time limit is exceeded. Consequently, damages were actually collected from General Contractors on very few projects.

Upon the advice of many members of the construction community, including contractors, subcontractors, architects, engineers, and other state agencies, GSFIC has revised its General Conditions to no longer call for consequential damages and, instead, call for liquidated damages that must be calculated for each project. The Public Owner's attorney must write such a clause, if it is desired, so that it can be included with the other information provided to bidders. GSFIC has provided specimen language, but the amount to be collected as damages, not penalty, must be separately calculated for each project based on the estimated amount of anticipated damages for each day that the project is delayed beyond its scheduled completion date. In order to enforce liquidated damages, they must be reasonable and approximate the actual damage that will occur if the Contractor fails to complete the project on time.

#### Insurance

The State of Georgia, upon advice of the Office of the Attorney General, the Risk Management Division of the Department of Administrative Services and members of the insurance and construction community, has adopted standard insurance requirements for use on all state construction projects, and it is strongly recommended that these requirements be followed in most circumstances. The GSFIC General Conditions provide for these basic insurance requirements, however, each project should be reviewed to determine if any additional coverage is necessary or desired.

If the GSFIC General Conditions are not being used on the project, the Public Owner and the Public Owner's legal and insurance counsel should establish the coverage and limits desired. Any coverage that the General Contractor will be asked to carry to protect the Public Owner's interest in the project must be included in the contract so the cost is included in the contractor's bid

*General Contractors interested in bidding on the project should study these provisions carefully so that the cost of the required insurance protection will be included in their*

*bids. Bidders should also be careful to include the cost of any other or additional insurance protection that they require that is not specified.*

#### Bonds

Surety bonds for payment and performance of the work are required on all State projects of \$100,000 or over, and most projects constructed for other public entities. Although several associations have developed standard payment and performance bonds for use on construction projects, only those bond forms included in the GSFIC General Conditions are acceptable on projects administered by the Construction Division of GSFIC.

Bonding requirements must be communicated to the General Contractors so these costs can be incorporated into their bids. The Owner should require the General Contractor to obtain surety bonds and insurance from only those reputable companies that are licensed to do business in the state and who acceptable to the Owner. The contract documents should clearly describe what is required for a surety or an insurance company to be “acceptable to the Owner.”

The Owner should confirm the validity of any bond upon its receipt by writing to the home office of the surety.

### Step 2 – Advertisement of Project / Instruction to Bidders

#### *Advertisement of the Project*

A public notice should be prepared by the agency and posted on the Internet at the Georgia Department of Administrative Services (DOAS) Georgia Procurement Registry (<http://www.procurement.state.ga.us/>) at least 30 days prior to the bid opening date. The established bid date can be longer depending on the size and complexity of the project but should include a time of day as well as the date. The location should be clearly described (building name, street address, room number, etc.), as well as any security requirements that may be in place at that location. Each solicitation should be time and date stamped upon receipt and no bid received after the specified time and date should be considered in the evaluation process. Such bids should be marked as “Non-Responsive” and retained for compliance with the Georgia Open Records Act. Based on the complexity of the project and the prevailing market conditions, the Owner and the Architect should determine and allocate sufficient time for bidders to prepare their proposals. This is essential to effective price competition. If the best interests of the project require the original amount of time to be extended, bidders should be notified by an addendum posted to the Procurement Registry and sent to all document holders of record. The addenda are posted under the documents section of the original posting with a sequential numbers at least five working days prior to the original date for receipt of bids.

Select this option for the  
Design/Bid/Build  
General Contractor  
Selection on the DOAS  
Procurement Form

#### ***Georgia Procurement Registry Solicitation Types and Definitions***

→ **Solicitation Documents Resulting in Contracts** ***RFQ – A formal solicitation, Request for Quotation, that includes well-defined specifications or scope of work and requests sealed bids from qualified vendors. The lowest responsive bid that complies with the specification or scope of work is awarded the contract.***

***RFP – A formal invitation, Request for Proposal, from an organization to vendors to provide a creative solution to a problem or a need, such as architectural, engineering, design and build, that the organization has identified. The judgment of the vendors experience, qualifications and solution often takes precedent over price.***

#### **Solicitation Documents Resulting in Information**

***RFI – A formal or informal document, Request for Information, soliciting information from vendors, deemed to be knowledgeable in the product or service under consideration, to gain information necessary to determine if a RFQ or RFP is appropriate for solicitation. This solicitation method is not intended to result in a contract award.***

***RFQC – A formal invitation, Request for Qualified Contractors, soliciting information concerning the vendors experience, staff, stability, and other capabilities to perform the***



*services or provide the goods required, stating predetermined qualification criteria, to solicit and qualify vendors for a subsequent RFQ or RFP solicitation. This solicitation method is not intended to result in a contract award.*

In addition, if the agency wishes, the public notice may be published in an appropriate general circulation newspaper or other medium in the vicinity of the project location. For newspaper advertisements, Agencies should reduce costs by making the printed notice as succinct as possible, referencing the DOAS website as the medium for project details and appropriate documents. For efficiency, more than one project may be advertised in a single printed notice.

The notice on the Georgia Procurement Registry should specify the location of the project, the name of the project, and the Instruction to Bidders. The notice should also include a brief description of the project, including the general character of the project (e.g., classrooms, laboratory, prison, library, etc.), the approximate physical size of the project, and the project's estimated value.

### *Instructions to Bidders*

The notice should include an Instruction to Bidders, as a separate document in the document attachment section of the Georgia Procurement Registry bid posting, addressing the following pertinent information:

- Procedures for preparing, submitting and opening bids including the location, date, and time of the bid opening
- Contact name and number for obtaining bid documents
- Pre-bid date, time and location (identify if attendance is a mandatory requirement for bidding the project)

After the project has been advertised in the Georgia Procurement Registry, interested firms (vendors) should not contact any agency representatives or facility users except those named in the solicitation on possible penalty of disqualification. This information must be included in the public notice.

## Step 3 – Bid Process / Bid Opening

### *Bid Opening Date*

The Owner and the Architect should make an effort to communicate with other public and private entities to avoid conflicts with the date for receipt of bids on other projects. Bidders have limited resources and too many bids due at once can restrict the number of bidders for any given project and severely affect bid quotations. Bids should be delivered at a designated place, not later than a specified time, preferably after noon any day but weekends, Monday, a legal holiday, or the day after such holiday. Such date, time and place must be specifically spelled out in the solicitation.

### *Issuance of Bid Documents*

Upon receipt of the required deposit, bidding material should be forwarded; (shipping charges collect), to any one requesting them, as soon as possible. The amount of the deposit should be determined based on consultations between the Architect and the Owner, but should approximate the cost of reproduction. The full amount of deposit for one set should be refunded upon return of such set in good condition within 30 days after date of opening of bids. One half of all other deposits should be refunded upon return of complete documents in good condition within 30 days after date of opening of bids. "Good condition" is defined to require that documents have not been taken apart or marked in a manner that limits their re-use for construction.

The Owner should reimburse the Architect for the cost of providing these documents to bidders. Each bidder should be allowed to retain the documents until the contract has been awarded or until that bidder is definitely eliminated from competition; the documents should then be promptly returned to the Architect, and the deposit should be refunded if the documents are complete and in good condition. A list of the interested contractors must be maintained, as well as an audit trail for the fees charged for the Documents. It is preferable that the Architect or other lead design professional does this.

Sets of documents for use by sub-bidders, material suppliers and vendors should be provided at central trade offices or plan rooms established in the geographical area of the project and, in some cases, at the Architect's office to aid the preparation of sub-bids and quotations. It is generally not good practice to issue partial sets of bidding documents to sub-bidders, as this may prevent their obtaining adequate knowledge of work to be performed by others. The location of plan rooms and the Architect's office should be listed in the bidding documents.

### *Bid Form*

The Architect should prepare a blank bid form specifically for the project, with copies bound into each Project Manual. Extra copies should be furnished to each bidder with the bidding documents for use in preparing and submitting a bid. A sample Bid Form is included in Appendix 3.

### *Alternates & Unit Prices*

An alternate bid is the amount bid for any specified change in the drawings and specifications. Alternate bids should be requested only when they are of special importance to the Owner, either as a means of insuring a proposal within a limited budget or providing the opportunity to make an important decision on materials or processes. The number of alternates should be held to a minimum and complex alternates should be avoided whenever possible.

Selection and acceptance of alternate bids should be made or approved by the Owner, based on the Architect's recommendations, to use the available funds in the best interest of the project. The lowest bids are normally considered to be the lowest of the combination of base bid and accepted alternates. The selection of alternate bids should be made in good faith and in a manner that does not manipulate the bids or discriminate between bidders.

All alternate bids should be deductive. No alternate bids should be taken unless the base bid exceeds the amount of money budgeted for the Project. Any alternate, or alternates, if taken, must be taken in numerical sequence to the extent necessary to reduce the cost to a sum that is not in excess of the amount budgeted, if possible. Under no circumstances should both additive and deductive alternates be used on one project.

If unit prices are to be used, they should be determined in advance by the Architect and clearly stated in the Contract Documents. They should be specified only when necessary and when the unit can be accurately described and prices established. The number of unit prices should be held to a minimum. Examples of specimen language for the use of unit prices are contained in the GSFIC sample Supplementary Conditions.

### *Pre-Bid Conference*

A mandatory pre-bid conference is recommended to answer contractor's questions, and should be held in advance of the bid opening to allow clarification by addenda of questions raised. The pre-bid conference should always include a discussion of the time allowed for completion and any unit prices included in the contract documents. The bid form should contain the following statement: "Contractor in undertaking the work under this Contract certifies that he has visited the premises and has taken into consideration all observable conditions that might affect his work." A sign-in list of attendees should be prepared for the pre-bid conference and maintained in the solicitation folder as proof of attendance. A court reporter may be engaged to create a complete record of the pre-bid conference. A transcript of the pre-bid conference should be posted to the Procurement Registry, along with vendor questions and State representative answers, as an addendum to the solicitation at least five (5) business days prior to the Bid Opening Date (BOD).

### *Formal Responses / Addenda*

No oral interpretation should be made to bidders as to the meaning of the drawings and specifications. Requests for interpretation of drawings and specifications should be made in writing to the Architect not

later than six (6) days prior to the bid opening. Failure on the part of the successful bidder to do so should not relieve him as General Contractor of the obligation to execute such work in accordance with a later interpretation by the Architect. All interpretations made to bidders should be issued in the form of addenda to the plans and specifications, posted to the Procurement Registry and sent to all document holders of record for review by all bidders (vendors). The Contractor should acknowledge such addenda in the bid form, and in closing the Contract they should become a part thereof.

Addenda issued prior to the bid opening date adjust, modify or change the drawings and specifications as set forth in the addenda and posted on the Procurement Registry are, consequently, changes in the contract documents made before the Owner-General Contractor agreement is signed. All such changes must be in written and/or graphic form and must be sent to each holder of a set of bidding documents-one copy per set. No addenda should be issued later than five (5) calendar days before the scheduled bid opening date, except to withdraw the request for bids or postpone the date for their receipt.

If bidders have questions for the Architect, they should be submitted in writing and far enough in advance so the Architect has time to respond with an addendum according to the above schedule.

### *Bid Opening*

All bid openings should be open to the Public. The bids must be taken at the set time and date prescribed in the solicitation as posted on the Procurement Registry, with no late bids accepted. They shall be opened at the time of the closing and read aloud by the convening authority. A bid bond in the amount of not less than 5% of the bid must accompany each bid. This provides a guarantee that the lowest bidder will execute a contract for the bid price and provide payment and performance bonds in the amount of the bid. A Bid Tabulation Form for the opening, documenting and reading of bids is shown in Appendix 3.

The owner may, at his discretion, forgive small scriveners errors in the proposals. The Owner, by provisions in the instructions to bidders, invitation or advertisement to bid, typically retains the right to reject any and all bids. However, rejection should not be used as a subterfuge (1) to accept a bid not submitted before the prices of others were made public, or (2) to obtain an estimate of the cost of the work and proceed to award it in segregated or separate contracts or to a bidder selected in advance. On the other hand, the Owner typically reserves the right to waive irregularities in the bids in the best interest of the project. This should be done after careful study and in all good faith.

#### Step 4 – Award of Contract / Notification of Award

Award should be made to the lowest, responsive, and responsible bidder. The lowest bid will be the bid whose price, after incorporating all accepted alternates, is the lowest and most responsive bid that was received. GSFIC procedures provide that, in the event there is no Base Bid at or below the Stated Cost Limitation, the Owner may, in its sole and complete discretion, take any of the following actions: 1) reject all bids and cancel the solicitation; 2) elect deductive alternates as provided above; or 3) increase the budget to allow award of the contract. The Public Owner should reserve the right in its sole and complete discretion to reject any and all bids and to waive technicalities and informalities.

**If a bidder withdraws or is disqualified, the remaining bids should be considered as though that bid had not been received. Bidders prior to the bid opening day and time may withdraw bids together with the full bid security accompanying it. After such time, no bid may be withdrawn for a period of thirty-five days except as provided in OCGA Section 13-10-22 (appreciable error in calculation of bid). Negligence or error on the part of any bidder in preparing his bid confers no right of withdrawal or modification of his bid after the bid opening date and time except as provided by law.**

A Notice of Award will then be sent to the successful bidder. Contract, if awarded, should be on a lump sum basis and be substantially in accordance with the Contract shown in the Contract Documents. There should be a clear indication in the Notice of Award that no contract is created until the actual execution of the construction contract by the State. No work should be started until the Contractor receives a Notice to

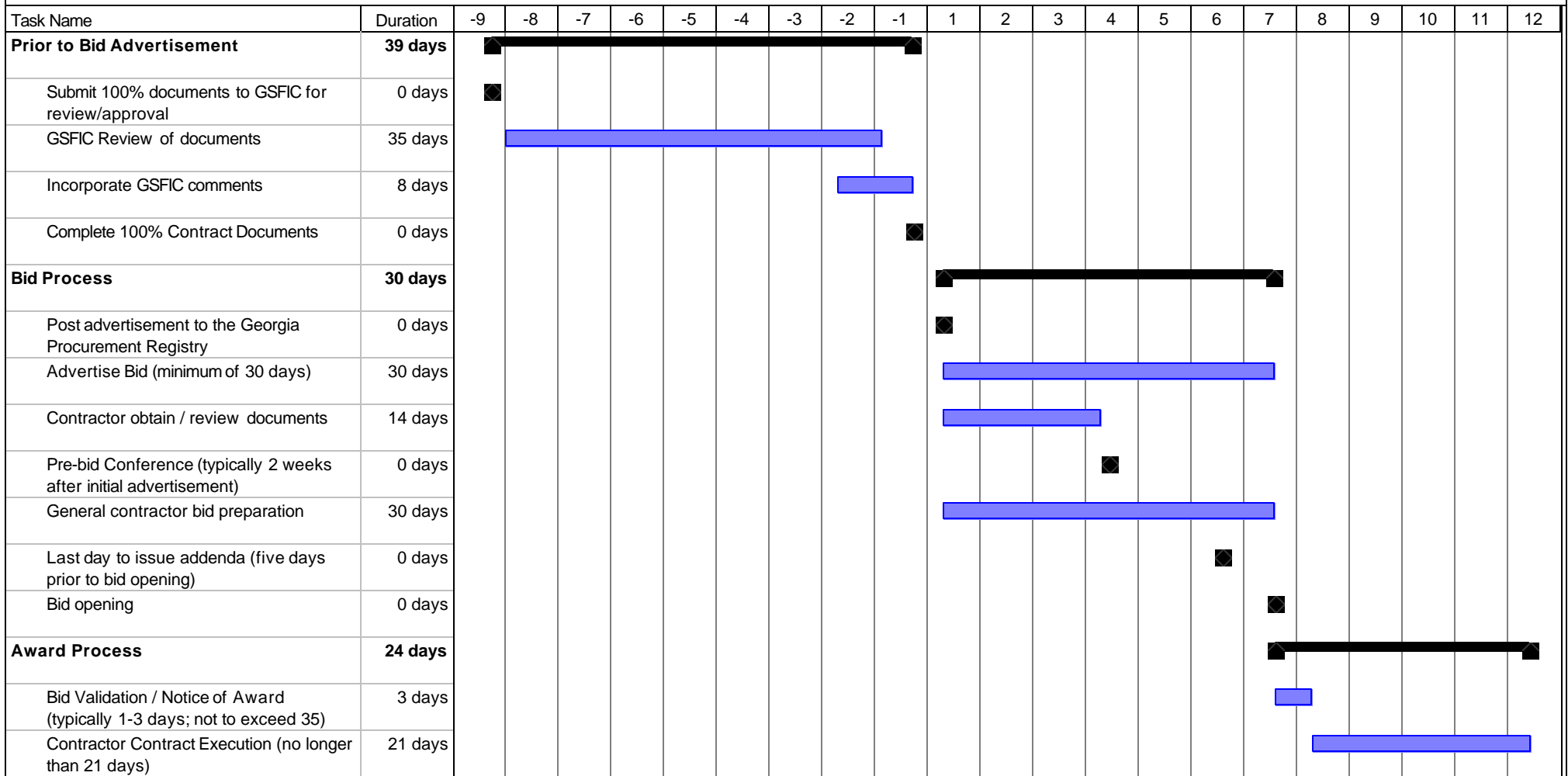
Proceed. The Notice to Proceed should not be sent until after final execution of the construction contract and until the Contractor has provided the appropriate bonds and insurance, as well as any other paperwork required by the Contract Documents.

The awarding agency should establish a records retention schedule detailing the time that the unsuccessful bidders' documents should be retained. The Archives Division of the Secretary of State should be consulted to determine an appropriate schedule.

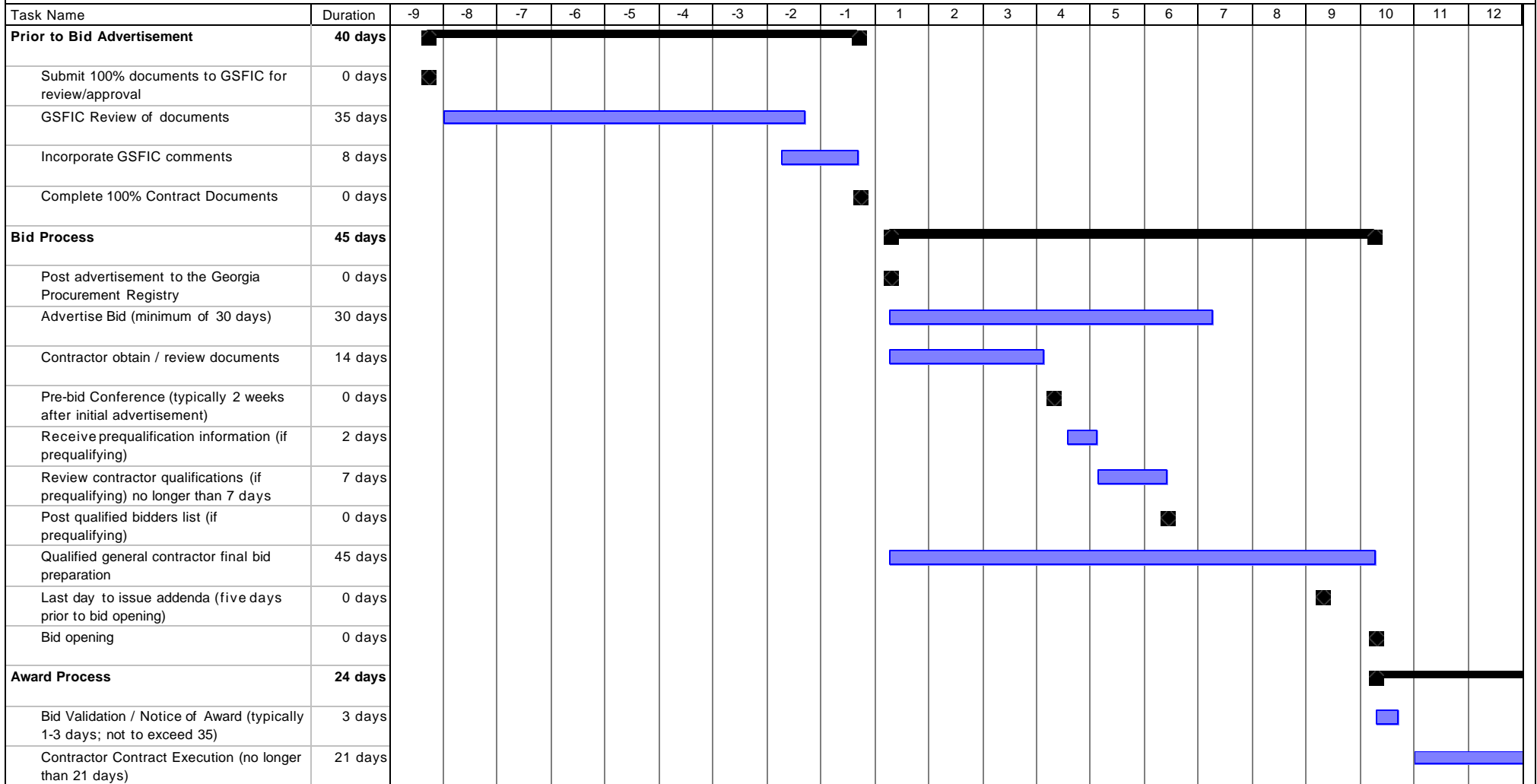
## APPENDIX 1

### Typical Timeline for Design/Bid/Build Contractor Selection

Appendix 1A  
TYPICAL BID PROCESS TIMELINE FOR SELECTION OF GENERAL CONTRACTORS (NO PREQUALIFICATION)



APPENDIX 1B  
TYPICAL BID PROCESS TIMELINE FOR SELECTION OF GENERAL CONTRACTORS (INCLUDES PREQUALIFICATION)



APPENDIX 2  
GUIDELINES ON USING THE DOAS GEORGIA PROCUREMENT Registry

**How to Post Bids on the Internet**

State Purchasing Policy requires that ALL bid opportunities in excess of \$10,000 be posted on the State's Procurement Registry. There are NO exceptions to this requirement.

In addition, agencies are encouraged to post requirements of less than \$10,000 when time is available in order to reach out to the vendor community, especially small and minority-owned businesses.

The following describes the minimum time frame for advertising bids and proposals to the Procurement Registry. Note that the number of days DOES NOT INCLUDE the day that the bid is posted so that, for example, a bid posted to the Procurement Registry on March 1 with a requirement of 30 calendar days cannot open earlier than March 31.

A minimum of 10 working days must be allowed for the return of all written "regular" bids between \$10,000 and \$100,000.
A minimum of 10 working days must be allowed for any sealed bid in excess of \$100,000 except as noted below.
A minimum of 15 calendar days must be allowed for contracts, other than construction, when the expected expenditure for the contract is in excess of \$250,000. <i>NOTE: When calculating expenditures for multi-year leases, rentals or installment purchase financing, include the total estimate, not just the estimate for the current fiscal year.</i>
A minimum of 30 calendar days must be allowed for any construction projects with expenditures in excess of \$250,000.
A minimum of 15 calendar days must be allowed for any project which includes professional services as described in the Official Code of Georgia (OCGA) 50-22 in excess of \$1 million.
A minimum of 15 calendar days must be allowed for costs of professional services as described in the OCGA 50-22 in excess of \$75,000.

Please note that the above are minimums. Certain bid opportunities may require longer advertising time on the Internet for an adequate return of competitive responses. Agencies are responsible for exercising good judgment when determining bid closing dates beyond the requirements listed above.

Posting requires access to the Internet. If your agency's procurement office does not have access to the Internet, it is suggested that your management be apprised of this requirement and that appropriate action be taken to provide such access.

In order to obtain access to the posting site, you must have a User Name and a Password. In order to obtain these, contact State Purchasing's Bid Officer, @ 404-657-6000.

*Note: The Georgia Procurement Registry satisfies the previous requirements for legal advertisements. Agencies may still post legal advertisements in publications if they wish, but it is no longer required.*



## **GENERAL INSTRUCTIONS AND TIPS**

On the Internet enter the following address: [www.ganet.org/purchase/bidding/doasbid.cgi](http://www.ganet.org/purchase/bidding/doasbid.cgi).

Hit "enter".

Enter the User Name and your password.

Hit "enter".

When the web site comes up, bookmark it for future use (if this is your first time using this site).

Using your mouse, choose one of the Types of Purchase: Capital Construction; Maintenance and Renovations; Highway Construction; Professional Consulting; Request for Proposals; or General Bid Opportunities. Choose only one.

Using your mouse, click on the arrow under the box marked "Value Range." Click on the dollar range that falls within the estimated dollar amount of the Request for Quote (RFQ) or Request for Proposal (RFP). If you make an error, click on the gray button at the bottom of the page marked "Clear."

Using your mouse, click on the gray button marked "Submit" located above the "Clear" button.

When the next screen appears, click into the box marked "Bid Number." Enter the bid number.

Use hyphens where appropriate.

Click into the box marked "Commodity Code". Enter the appropriate 5-digit NIGP Commodity Code WITHOUT A HYPHEN OR A SPACE.

Click into the box marked "Bid Closing Date." Enter the bid closing date using a "xx/xx/xxxx" format (for example: 03/01/1999).

Click in the box marked "Bid Closing Time." Enter the time deadline for submission of bids. Be sure to note a.m. or p.m.

Click in the box marked "Contact Name." You can enter the buyer's name or the name or title of the person to contact for a copy of the bid documents.

Click in the box marked "Contact Phone." Enter the phone number in a "xxx-xxx-xxxx" format (for example: 404-657-6000).

Click in the box marked "Project Title." Enter a brief description of what the bid covers.

Click on the arrow in the box marked "Location." Select the county to which the goods are to be delivered or the service(s) performed.

Click in the box marked "How to secure bid." Describe the method for vendors to obtain a copy of the bid. If you want them to fax requests, be sure to note all the information you will need.

For example:

"To receive a copy of a bid packet, fax your request to XXX-XXX-XXXX . Please provide the following information: the bid number, closing time & date of bid closing, company name, address, contact person, telephone number, TIN or SSN. Copies of bids can be mailed , sent Federal Express: Bill recipient or held for pickup. Please include on your fax request which of these methods you prefer. If you chose Federal Express: Bill Recipient, be sure to include your Federal Express account number."

Click in the box marked "Description." Here is your opportunity to provide more than the information entered in the box marked "Project Title." THIS IS AN UNLIMITED FIELD. Here are some tips:

- The main ideas behind the registry are: (1) To alert the public about bid opportunities and (2) To provide enough information about the bids so that vendors do not request bids they are not capable of bidding on.

- Because of the software used in this application, the information will all "wrap", that is, it will ignore spaces and paragraphs and one sentence or word will follow the preceding sentence or word. If you wish to separate sentences, phrases or words, use five asterisks (\*\*\*\*\*) or five periods (.....).

- If the bid is for a justifiable "Sole Brand", insert the phrase "No substitutions. Bidders must be authorized XXXX resellers" or words to that effect. There is no reason to waste time, paper and

postage because a vendor is not aware that substitutions will not be accepted and cannot provide the brand specified.

- If there is to be a site visit/walk-through or bidders conference, note the date, time and location of it.

- If the bid is for equipment that the vendor must install, note "Bid price MUST include installation." Conversely, if the bid is for equipment that normally requires professional installation, but which the agency plans to install itself, note "Bid price will NOT include installation. Agency will perform installation" or words to that effect. This information should also be part of the Request for Quote. This information will cut down on phone calls from confused vendors.

- If the purchase of equipment is to include training, so note.

- You can cut and paste from Word and WordPerfect documents into this area.

- If the bid is for an open agency contract, a fixed agency contract, a service maintenance contract or a lease/rental or installment purchase, always indicate that this is the case. Indicate the term of the contract (For example: "one-year open contract for noisemakers for the Georgia Department of Fun" or "a 36-month lease of worm incubators for Georgia Mid-South University").

- If there are only a few line items, you may want to list them. If they're more than a few, you may want to describe them in general terms (For example: "pipe and related plumbing items - 37 line items").

- Delivery may be to more than one location. If so, clarify in the descriptions (For example: "items are to be delivered to 27 department sites in various locations throughout the State of Georgia".)

Make sure that there are no errors. Once the process is complete, and the notice has been posted you cannot make changes from your PC.

### **OOPS! I MADE A MISTAKE. NOW WHAT?**

**If you discover typos or other errors after the posting has been made, you cannot change them from your PC. You must contact the Bid Officer at the State Purchasing Bid Office (fax 404-651-6763) and ask that the personnel in the Bid Office make the changes. Also, please fax any bid cancellations, closing date extensions or addenda to this office so that the postings can be kept up-to-date. In all cases, specify the RFQ or RFP number and the bid closing date as it currently appears on the Internet Procurement Registry.**

### APPENDIX 3

#### SAMPLE BID FORM

Date: \_\_\_\_\_

To: Director, Construction Division  
Georgia State Financing and Investment Commission  
Suite 1002, West Tower  
2 Martin Luther King, Jr., Drive, S.E.  
Atlanta, Georgia 30334

Re: Project Name and No. \_\_\_\_\_

Gentlemen:

#### 1. THE BID:

**Base Bid.** Having carefully examined the Specifications entitled PROJECT NO. {ARCHITECT insert Project name and number}, and the drawings of the same title designated {ARCHITECT insert a listing of the drawings} all dated {ARCHITECT insert the date of the drawings} and Addendum(a) No.(s). A1 \_\_\_\_\_ as well as the premises and conditions affecting the work, Bidder hereby proposes to furnish all services, labor, materials and equipment called for by them for the entire Work, in accordance with the aforesaid documents, for the sum of:

\_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

which sum is hereinafter called the Base Bid. The Base Bid shall be the amount of the Contract Sum executed between the Owner and the Contractor unless Alternates are accepted.

**Alternates.** We further propose that should any of the following alternates be accepted and be incorporated in the Contract the Base Bid will be altered in each case as follows:

**NOTE TO ARCHITECT:** Insert:

**NO ALTERNATES**  
(If there are no alternates)

OR (for example, if there are alternates)

**Alternate No. 1** - Delete from Base Bid prime coat, asphalt base course, tack coat and asphalt surface courses as specified in Section 02513 - Asphaltic Concrete Paving, and all areas indicated to receive "Asphalt Paving" and "Asphalt Paving - Heavy Duty". Include in the Base Bid, preparation of subgrade to receive asphaltic concrete paving.

Deduct the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

**Alternate No. 2** - Delete perimeter fence lighting including light fixtures, poles, underground branch circuits and branch circuit breakers, 44 total.

Deduct the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

**Errors or Revisions.** Prior to the bid opening date and hour, errors may be stricken or revisions may be made and corrections entered on this proposal form or on the bid envelope with sufficient clarity to be easily understood. All such annotations shall be binding on the bidder.

**No Withdrawal.** For and in consideration of the sum of \$10.00, the receipt of which is hereby acknowledged, Bidder and Owner agree that this bid may not be revoked or withdrawn after the time set for

the opening of bids, except as provided in Georgia law, but is an irrevocable offer which shall remain open for acceptance for a period of thirty-five (35) days following the time set for the opening of bids.

**Execution of the Contract.** If Bidder is notified in writing by mail, telegraph, or delivery of the acceptance of this bid within thirty-five days after time set for the opening of bids, Bidder agrees to execute within ten (10) days the Contract for the Work for the above stated Base Bid, as adjusted by the accepted Alternates, and at the same time to furnish and deliver to the Owner a Performance Bond and a Payment Bond in accordance with the forms shown in Section 7 of the General Conditions of the Contract Forms of the contract, both in an amount of equal to 100% of the Contract Sum.

**Commencement and Completion of Work.** Upon execution of the Contract, Bidder agrees to commence actual physical work on the site with an adequate force and equipment within ten (10) days of a date to be specified in a written order of the Owner (Proceed Order) and to complete to material completion all work in {ARCHITECT insert the number of days for completion of the Project} consecutive calendar days beginning the day after the date of the Proceed Order.

**Bid Bond.** Enclosed herewith is a Bid Bond (*CERTIFIED CHECKS NOT ACCEPTABLE*) in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) (being not less than 5% of the Base Bid). Bidder agrees that the above stated amount is the proper measure of liquidated damages that the Owner will sustain by Bidder's failure to execute the Contract and to furnish the Performance and Payment Bonds should Bidder's Bid is accepted.

**Obligation of Bid Bond.** If this Bid is accepted within thirty-five (35) days after the date set for the opening of bids and Bidder fails to execute the Contract within ten (10) days after written notice of such acceptance or if Bidder fails to furnish both Performance and Payment Bonds, the obligation of the Bid Bond will remain in full force and effect and the money payable thereon shall be paid into the funds of the Owner as liquidated damages for such failure; otherwise, the obligations of the Bid Bond will be null and void.

2. 1. 9 Statement of Bidders Qualifications.

The bidder submits the following statement of bidder's qualifications for consideration by the Owner.

**2. STATEMENT OF BIDDER'S QUALIFICATIONS:** (To be subscribed and sworn to before a notary public)

**Bidder's Name:** \_\_\_\_\_  
LEGAL NAME OF BUSINESS (As registered with Secretary of State)

**Bidder's Address:** \_\_\_\_\_  
LEGAL BUSINESS ADDRESS (P.O. BOX IS INSUFFICIENT)

\_\_\_\_\_  
CITY STATE ZIP

\_\_\_\_\_  
MAILING ADDRESS IF DIFFERENT FROM ABOVE

**Telephone Number:** \_\_\_\_\_  
AREA CODE NUMBER

**The full names of persons and firms interested in the foregoing bid as principals are as follows:**

(1) \_\_\_\_\_  
Check One: President ( ) Partner ( ) Owner ( )

(2) \_\_\_\_\_  
Check One: Vice President ( ) Secretary ( ) Partner ( )

(3) \_\_\_\_\_  
Check One: Vice President ( ) Secretary ( ) Partner ( )

**Note:** *If incorporated: The names of both the President and Corporate Secretary must be indicated. If a partnership: all partners must be indicated.*

**Social Security Number or FEIN:** \_\_\_\_\_

**State Where Organized or Incorporated:** \_\_\_\_\_

**Plan of Organization:** (Circle One) Proprietorship      Corporation      Partnership      Joint Venture

**Years Engaged in Construction Contracting in Present Firm Organization:** \_\_\_\_\_ years

**Credit Available for this Contract:** \$ \_\_\_\_\_

**Contracts now in hand, Gross Amount:** \$ \_\_\_\_\_

**Bidder Hereby Certifies that Bidder:**

- Has never refused to sign a contract at the original bid except as allowed under Georgia law.
- Has never been terminated for cause on a contract.
- Has had no convictions, suspensions or debarments of the Bidder, its officers, or its principals for building code violations, safety violations, bid rigging, bribery in the last 10 years.
- Is not and its organization or its principals are not debarred, suspended, declared ineligible, or otherwise excluded by any Federal or State department or agency from doing business with the Federal Government or a State.
- Has insurance required by the Contract Documents in place or has made arrangements to obtain it from an insurer authorized to do business in the state of Georgia.
- Has sufficient bonding capacity to obtain a payment and performance bond from a surety meeting the requirements of the Contract Documents and authorized to do business in the state of Georgia.
- Has sufficient cash flow to finance this project.

**Remarks or explanations of any of the above:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Certification under Oath.** Under oath I certify that I am a principal or other representative of the Bidder, and that I am authorized by it to execute the foregoing Bid on its behalf; and further, that I am a principal person of the Bidder with management responsibility for the construction for the Bidder, and as such I am personally knowledgeable of all its pertinent matters, and further, that the foregoing Statement of Bidder's Qualifications is true and correct and submitted under oath. I further certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid for the same services, materials, labor, supplies, or equipment and is in all respects fair and without collusion or fraud. Bidder and its principals understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. Bidder agrees to abide by all conditions of this bid.

BY: \_\_\_\_\_  
Authorized Signature (BLUE INK PLEASE)

\_\_\_\_\_  
Printed Name Title

Sworn to and subscribed before me this            day of            , 20            .

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(SEAL)

**Statistical Information.** This request is made for statistical purposes only.

PLEASE INDICATE BELOW WHICH OF THE FOLLOWING DESCRIPTIONS APPLY TO YOUR COMPANY:

\_\_\_\_\_ MINORITY BUSINESS ENTERPRISE (MBE) - The business is either: a) owner by a member of a minority race or b) a partnership of which a majority of interest is owned by one or more members of a minority race or c) a public corporation of which a majority of the common stock is owned by one or more members of a minority race. A member of a minority race is defined as an individual who is a member of a race, which comprises less than 50 percent of the total population of the State of Georgia. For record keeping purposes, this includes, but is not limited to, persons who are Black, Hispanic, Asian-Pacific American, Native American, or Asian-Indian American.

\_\_\_\_\_ GEORGIA MINORITY BUSINESS ENTERPRISE (GMBE) - If a business meets the definition of a minority owner business and in addition meets the following criteria: a) was organized in the State of Georgia or b) reports income from the business for Georgia Income Tax purposes or c) if minority stockholders report earnings for Georgia minority business enterprise.

\_\_\_\_\_ NEITHER DESCRIPTION APPLIES TO YOUR COMPANY.

# APPENDIX 4 Sample Bid Tabulation Form

2/19/2003

## BID TABULATION

PROJECT NO.:					
PROJECT DESCRIPTION:					
	Contractor 1	Contractor 2	Contractor 3	Contractor 4	Contractor 5
Bid Bond Furnished by					
Recognizes receipt of Addenda					
Calendar Days					
Changes recorded on envelop					
Base bid	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Alternate No. 1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Alternate No. 2	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Alternate No. 3	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Alternate No. 4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Less Alternate No. 5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

I certify that this is a correct tabulation of bids as read aloud, and I certify that I have personally and visually checked the tabulation against the proposal forms submitted.  
is the apparent low bidder.

Name of Architectural Firm

Name of Certifying Architect